

DATE ISSUED: July 21, 2000

REPORT NO. 00- 146 (Revised)
(Revisions to Page 1 of the
City Manager Report, Attachment 6,
and Attachment 9.)

ATTENTION: Honorable Mayor and City Council
Docket of July 25, 2000

SUBJECT: San Diego Municipal Code Ordinance Changes

SUMMARY

Issues - 1) Shall the City Council amend the municipal codes regulating massage, holistic health, after-hours entertainment/dance establishments, and the general sections for police regulated businesses and occupations?

Manager's Recommendation - Approve the changes to the Municipal Code.

Other Recommendations - None.

Fiscal Impact - Approval of the proposed ordinances by City Council, will necessitate the allocation of 2 additional POII Detectives, .50 additional Police Code Compliance Officer, and .25 Public Information Clerk for the Vice Unit. There are no additional costs associated with the general divisions of the proposed ordinances. (Attachment #6). A new fee structure to recover the costs will be docketed for Council consideration in the near future.

BACKGROUND

In November, 1992, a Vice and Licensing Task Force was formed as a joint venture between the City Attorney's Office and the San Diego Police Department. The Task Force studied and made recommendations regarding the following police-regulated businesses: massage and holistic health; dance, cabaret, after-hours, and promoters; peepshows; nude entertainment; and escorts. The Task Force recommended amending Chapter III, Article 3 of the San Diego Municipal Code. The recommendations were previously presented to the Public Safety and Neighborhood Services Committee in 1995 and 1996.

On April 19, 2000, the Committee on Public Safety & Neighborhood Services again heard the recommendations for some of the industries and approved them with some modifications for presentation to full Council. The draft ordinances contain the modifications from the Committee. The following are the highlights of the new ordinances:

MASSAGE RECOMMENDATIONS

- Increase the educational requirements for a police permit to be contemporary with national standards. The requirements will include increasing the minimum number of training hours from 100 to 500 hours and requiring 12 hours of continuing education.
- Require that all advertising include the police permit number.
- Modify the operating hours (no operating between the hours of 12:00 a.m. and 6:00 a.m.) in order to be consistent with normal business hours.

HOLISTIC HEALTH PRACTITONERS RECOMMENDATIONS

- Create a new division to regulate holistic health practitioners. Qualifications will include passing the national certification exam, continuing education and no related criminal history.

AFTER HOURS ACTIVITES

- Repeal the Municipal Code regulations governing After Hours Cabarets and Dance and create a new division regulating after-hours activities.
- Modify permit conditions to allow a waiver of the 300 feet minimum distance from households if requirements are met.

VICE AND LICENSING OPERATIONS

- Make the application process more efficient by creating a renewal system for fee payments.
- Make the appeal process more efficient by adding a system of fines to existing penalties.
- Tighten the rules for administrative hearings.
- Make the Public Services and Neighborhood Safety Committee the final administrative remedy.

DISCUSSION

In early 1999, the ordinance project was revitalized by the vice unit. Research was done on each ordinance to ensure the recommended changes were appropriate based on current industry standards. Vice investigators conducted inspections and gathered information about industry

changes since the task force recommendations. Industry trends and enforcement changes were minor in most industries.

The recommended changes to the general sections will make the licensing, renewal and appeal process less cumbersome and fiscally self-sufficient. The recommendations supporting the regulation of after-hours events reflects current trends in the industry and the needs of the Police Department.

The recommended changes to the massage ordinance will enhance the image of the massage technicians by discouraging individuals interested in using the massage profession for prostitution. The increase in educational requirements will be contemporary with national standards. The modified operating hours will correspond to the hours of hotels, health clubs and other similar businesses that employ massage technicians.

The Police Department considers the creation of a new division of the municipal code to regulate holistic health practitioners the most effective method for reducing the potential growth of prostitution in the industry through the use of entry standards and administrative remedies. The recommendations will prevent the entry of less qualified individuals into the profession. Qualifications will include passing certification exams, continuing education and no related criminal history. Holistic health practitioners will not be regulated by the Massage Ordinance or the adult entertainment zoning regulations. The recommended ordinance is designed to promote public confidence in the holistic health practitioner industry and enhance their professional image.

ALTERNATIVE

Approve selected recommendations.

Approve none of the recommendations.

Respectfully submitted,

David Bejarano
Chief of Police
Police Department

Approved: Michael T. Uberuaga
City Manager

BEJARANO/LD

- Attachment:
1. City Managers Report No. 00-53
 - κ2 (a). Strikeout Draft Ordinance, 0-2001-3, Division 35 - Massage, is on file at the City Clerk's office.
 - κ2 (b). Draft Ordinance, 0-2001-3, Division 35 Massage, is on file at the City Clerk's office.
 - κ3. Draft Ordinance, 0-2001-4, Division 8 - After Hours, is on file at the City Clerk's office.
 - κ4 (a). Strikeout Draft Ordinance, 0-2001-2, Division 1-5 Police Regulated Businesses and Occupations, is on file at the City Clerk's office.
 - κ4 (b). Draft Ordinance, 0-2001-2 Division 1-5 Police Regulated Businesses and Occupations, is on file at the City Clerk's office.
 - κ5. Draft Ordinance, 0-2001-5, Division 44-Holistic Health, is on file at the City Clerk's office.
 6. Fiscal Attachment
 7. Vice and Licensing Task Force Report, June 1996.
 8. Luth Report.
 - κ9. Compilation of land-use studies related to Adult Entertainment, is on file at the City Clerk's office.

 - κ **The attachments that are on file at the City Clerk's office are not available electronically.**

FISCAL IMPACT

<u>INDUSTRY</u>	ESTIMATED # OF PERMITS	ESTIMATED # OF PERSONNEL AND HOURS PER PERMIT	TOTAL ANNUAL HOURS FOR INDUSTRY
HHP	1050	1½ hr x 2 Detectives	3150
		½ hr x 1 PCCO	525
		½ hr x 1 PIC	525
AFTER HOURS	35	1 hr x 2 Detectives	840
		3 hrs x 1 PCCO	105
		1 hr x 1 PIC	35

HHP = Holistic Health Practitioner

Detectives = Police Officer II Detectives

PCCO = Police Code Compliance Officer

PIC = Public Information Clerk